

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case <b>01-CB-211605</b>	Date Filed <b>12/14/2017</b>

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

<b>1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT</b>			
a. Name <b>United Service Workers, IUJAT, Local 355</b>		b. Union Representative to contact <b>Jimmy Scagnelli</b>	
c. Address (Street, city, state, and ZIP code) <b>138-50 Queens Blvd. Briarwood, NY 11435</b>		d. Tel. No. <b>718-658-4848</b>	e. Cell No. <b>347-886-5980</b>
		f. Fax No.	g. e-Mail <b>jimmys@uswa.net</b>
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) <u>3</u> of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
<b>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</b> <p>Since on or about November 1, 2017, despite repeated verbal and written requests by the Employer, the Union has refused to provide the following information regarding the Security Fund of the United Service Workers: (1) current account balances for each member of the bargaining unit at Harr Motor Company; (2) for the past 10 year period, the names of all Harr Motor Company bargaining unit members who received distributions from the Security Fund due to their attaining the age of 65. For each such employee, the amount of distribution and any outstanding balance remaining in his/her Fund Account.</p> <p>The parties are engaged in negotiations and such requested information is necessary and relevant to the issues being negotiated.</p>			
3. Name of Employer <b>Harr Motor Company</b>		4a. Tel. No. <b>508-595-3387</b>	b. Cell No.
		c. Fax No. <b>508-595-3226</b>	d. e-Mail <b>mgross@harr.com</b>
5. Location of plant involved (street, city, state and ZIP code) <b>P.O. BOX 912 Worcester, MA 01613-0912</b>		6. Employer representative to contact <b>Michael Gross</b>	
7. Type of establishment (factory, mine, wholesaler, etc.) <b>Automobile Dealerships and autobody repair</b>	8. Identify principal product or service <b>Automobile sales/Repair</b>	9. Number of workers employed <b>180</b>	
10. Full name of party filing charge <b>Ralph F. Abbott, Jr.</b>		11a. Tel. No. <b>413-737-4753</b>	b. Cell No. <b>413-531-4628</b>
		c. Fax No. <b>413-787-1941</b>	d. e-Mail <b>rabbott@skoler-abbott.</b>
11. Address of party filing charge (street, city, state and ZIP code.) <b>One Monarch Place, Suite 2000 Springfield, MA 01144</b>			
<b>12. DECLARATION</b> I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief. By <u><i>Ralph F. Abbott, Jr.</i></u> <u><b>RALPH F. ABBOTT, JR</b></u> (signature of representative or person making charge) (Print/type name and title or office, if any)		Tel. No.  Cell No.  Fax No.  e-Mail  	
Address _____ (date) _____			

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

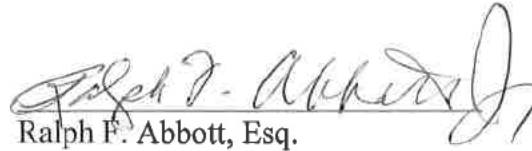
**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing *Charge Against Labor Organization* was served on the attorney of record for the Union, via first-class, U.S. mail, postage prepaid and e-mail, on December 14, 2017, addressed as follows:

Jimmy Scagnelli  
United Service Workers, IUJAT, Local 355  
138-50 Queens Blvd.  
Briarwood, NY 11435  
Jimmys@uswa.net

  
Ralph F. Abbott, Esq.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 1  
10 Causeway St Fl 6  
Boston, MA 02222-1001

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617) 565-6700  
Fax: (617) 565-6725



Download  
NLRB  
Mobile App

December 15, 2017

RALPH F. ABBOTT JR., ESQ.  
SKOLER, ABBOTT & PRESSER, P.C.  
ONE MONARCH PLACE, SUITE 2000  
SPRINGFIELD, MA 01144

Re: UNITED SERVICE WORKERS, IUJAT,  
LOCAL 355 (Harr Motor Company)  
Case 01-CB-211605

Dear Mr. Abbott:

The charge that you filed in this case on December 14, 2017 has been docketed as case number 01-CB-211605. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JO ANNE P. HOWLETT whose telephone number is (857) 317-7810. If this Board agent is not available, you may contact Supervisory Attorney THOMAS E. QUIGLEY whose telephone number is (959) 200-7376.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Preservation of all Potential Evidence:** Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

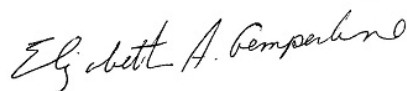
**Prohibition on Recording Affidavit Interviews:** It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



ELIZABETH A. GEMPERLINE.  
Acting Regional Director

EAG/rg



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 1  
10 Causeway St Fl 6  
Boston, MA 02222-1001

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (617) 565-6700  
Fax: (617) 565-6725



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Mobile App

December 15, 2017

JIM SCAGNELLI JR., BUSINESS AGENT  
UNITED SERVICE WORKERS, LOCAL 355, IUJAT  
13850 QUEENS BLVD  
BRIARWOOD, NY 11435-2642

Re: UNITED SERVICE WORKERS, IUJAT,  
LOCAL 355 (Harr Motor Company)  
Case 01-CB-211605

Dear Mr. Scagnelli:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JO ANNE P. HOWLETT whose telephone number is (857) 317-7810. If this Board agent is not available, you may contact Supervisory Attorney THOMAS E. QUIGLEY whose telephone number is (959) 200-7376.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

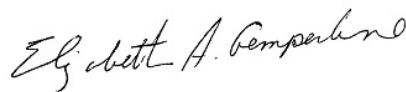
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



ELIZABETH A. GEMPERLINE  
Acting Regional Director

Enclosure: Copy of Charge

cc: KURT EDELMAN, PRESIDENT  
SERVICE WORKERS UNITED, UNITE HERE  
330 W 42ND STREET, SUITE 900  
NEW YORK, NY 10036-6902

ROBERT S. GIOLITO, ATTORNEY AT LAW  
11755 WILSHIRE BLVD STE 2140  
LOS ANGELES, CA 90025-1543



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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10 Causeway St Fl 6  
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Download  
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Mobile App

December 15, 2017

MICHAEL GROSS  
HARR MOTOR COMPANY  
PO BOX 912  
WORCESTER, MA 01613-0912

Re: UNITED SERVICE WORKERS, IUJAT,  
LOCAL 355 (Harr Motor Company)  
Case 01-CB-211605

Dear Mr. Gross:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Attorney JO ANNE P. HOWLETT whose telephone number is (857) 317-7810. If this Board agent is not available, you may contact Supervisory Attorney THOMAS E. QUIGLEY whose telephone number is (959) 200-7376.

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**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an

administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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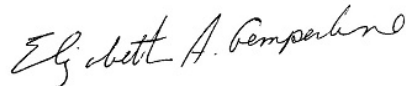
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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



ELIZABETH A. GEMPERLINE  
Acting Regional Director

EAG/rg

Enclosures

1. Copy of Charge
2. Commerce Questionnaire



**QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

01-CB-211605

**1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)****2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

**4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS****5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

**9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )**

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: \_\_\_\_\_**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

**12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE**

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

NATIONAL LABOR RELATIONS BOARD  
NOTICE OF APPEARANCE

\_\_\_\_\_X

Case# 01-CB-211605

HARR MOTOR COMPANY  
(RALPH F. ABBOTT, JR.)

\_\_\_\_\_X

TO: (CHECK ONE BOX ONLY)

☒ REGIONAL DIRECTOR      ☐ EXECUTIVE SECRETARY      ☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD      NATIONAL LABOR RELATIONS BOARD  
WASHINGTON, D.C. 20570      WASHINGTON, D.C. 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS A REPRESENTATIVE OF  
***UNITED SERVICE WORKERS UNION LOCAL 355, IUJAT***

IN THE ABOVE CAPTIONED MATTER.

SIGNATURE OF REPRESENTATIVE (PLEASE SIGN IN INK)  <i>s/ Gary P. Rothman</i>	REPRESENTATIVE'S NAME, ADDRESS, ZIP CODE (PRINT OR TYPE)  Gary P. Rothman, Esq. ROTHMAN ROCCO LARUFFA, LLP 3 West Main Street - Suite 200 Elmsford, New York 10523 Ph: (914) 478-2801 Fax: (914) 478-2913 Email: <a href="mailto:grothman@rothmanrocco.com">grothman@rothmanrocco.com</a>
DATE  December 19, 2017	AREA CODE      TELEPHONE NUMBER  (914) 478-2801

IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD

In the matter of

UNITED SERVICE WORKERS, IUJAT,  
LOCAL 355 (Harr Motor Company)

and

Case 01-CB-211605

RALPH F. ABBOTT, An Individual

ORDER TRANSFERRING CASE  
FROM REGION 1 TO REGION 3

Case 01-CB-211605, having been filed with the Regional Director for Region 1, and the General Counsel of the Board having duly considered the matter, and deeming it necessary in order to effectuate the purpose of the National Labor Relations Act, and to avoid unnecessary costs and delay,

**IT IS HEREBY ORDERED**, in accordance with the Rules and Regulations of the National Labor Relations Board, that Case 01-CB-211605 be, and hereby is, transferred to and continued in Region 3.

A handwritten signature in cursive script, reading "Peter B. Robb", written over a horizontal line.

Peter B. Robb  
General Counsel

Dated: January 10, 2018  
at Washington, D.C.

cc: Region 1, Region 3



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 03  
130 S Elmwood Ave Ste 630  
Buffalo, NY 14202-2465

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (716)551-4931  
Fax: (716)551-4972

March 14, 2018

Gary Rothman, Counsel  
Rothman Rocco LaRuffa LLP  
The Empire State Building  
350 Fifth Avenue, Ste 6110  
New York, NY 10118

Re: UNITED SERVICE WORKERS,  
IUJAT, LOCAL 355  
(Harr Motor Company)  
Case 01-CB-211605

Dear Mr. Rothman:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

*Laura A. Sacks*

Laura A. Sacks  
Acting Regional Director

cc: Ralph F. Abbott, Esq.  
Skoler, Abbott & Presser, P.C.  
One Monarch Place, Suite 2000  
Springfield, MA 01144

Jim Scagnelli, Business Agent  
United Service Workers,  
Local 355, IUJAT  
13850 Queens Blvd  
Briarwood, NY 11435-2642

Mr. Michael Gross  
Harr Motor Company  
PO Box 912  
Worcester, MA 01613-0912